

COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS

All applicable laws, regulations, and Executive Orders shall be considered during preparation of this EA. Those pertinent to this action are discussed in the paragraphs below.

9.1 The National Environmental Policy Act (NEPA) of 1969, PL 91-190

This EA shall be prepared in accordance with the goals and requirements set forth in Section 102 of this Act. Reasonable alternatives to the proposed action shall be considered during the planning process. Potential environmental effects shall be included in the evaluation of the project. Procedural review requirements shall be met as detailed by the Council on Environmental Quality Regulations for implementing the Procedural Provisions of the National Environmental Policy Act.

9.2 Fish and Wildlife Coordination Act

This project shall be coordinated with the U.S. Fish and Wildlife Service, Ventura and/or San Diego, California. In accordance with the requirements of this Act, the Corps shall continue to maintain coordination with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the California Department of Fish and Game during all phases of the project.

9.3 Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.

The Corps shall consult with the U.S. Fish and Wildlife Service (USFWS) according to Section 7(c) of the Endangered Species Act if the proposed action will affect threatened or endangered wildlife species and ensures that any action shall not jeopardize the continued existence of, or result in the destruction of the habitat of, any endangered or threatened species.

9.4 Clean Water Act

The proposed action shall be in compliance with the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act (33 USC 1344).

9.5 Coastal Zone Management Act, 1972. California Coastal Act, 1976

The proposed project activities shall be consistent with the California Coastal Act to the maximum extent practicable, as required by the Coastal Zone Management Act of 1972. A Consistency Determination (CD) shall be submitted to the California Coastal Commission for review.

9.6 Clean Air Act

The potential air quality impacts of the proposed project shall be examined and compared to the significance levels identified by the San Diego Air Quality Management and/or Ventura County Air Pollution Control Districts. The proposed project shall be in compliance with the Clean Air Act Amendments of 1977 (PL 95-95, H.R. 6161, August 7, 1977). The EA shall be sent to the Regional Air Quality Control Board for comment during the public review period.

9.7 National Historic Preservation Act

The proposed project shall be in compliance with Section 106 of the National Historic Preservation Act (36 CFR 800). A letter shall be sent to the California State Preservation Officer transmitting the Corps' determination that the action proposed in the EA shall not effect National Register listed, or eligible, properties.

9.8 Farmland Protection Policy Act

The proposed action shall be in compliance with this Act. The project shall have no effect on any prime or unique farmlands, or farmlands of statewide importance.

9.9 Migratory Bird Treaty Act

The proposed project shall be coordinated with the USFWS and CDFG and shall be in compliance with this Act. The proposed project action shall not entail the taking, killing or possession of any migratory birds.

9.10 Executive Order 11990, Protection of Wetlands

The project shall be in compliance with the requirements of this Executive Order. The proposed project actions shall not affect the survivability and/or quality of wetlands within the project area.

9.11 Executive Order 11988, Floodplain Management

The proposed project actions shall not change the project area flood boundaries and shall be in compliance with the requirements of this Executive Order.